

The Honorable Ricardo S. Martinez

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

PATRICK COLACURCIO, MARIS and
DAVID HANSON, and JAMES McMURCHIE,
individually and on behalf of all others similarly
situated;

Plaintiffs,

v.

INSIGHT VENTURE PARTNERS VII, L.P., a
Cayman Islands limited partnership; INSIGHT
VENTURE PARTNERS (CAYMAN) VII, L.P.,
a Cayman Islands limited partnership; INSIGHT
VENTURE PARTNERS VII (CO-
INVESTORS), L.P., a Cayman Islands limited
partnership; INSIGHT VENTURE PARTNERS
(DELAWARE) VII, L.P., a Delaware limited
partnership; INSIGHT VENTURE PARTNERS
COINVESTMENT FUND II, L.P., a Delaware
limited partnership; INSIGHT VENTURE
ASSOCIATES VII, L.P., a Delaware limited
partnership; INSIGHT VENTURE
ASSOCIATES VII, LTD., a Cayman Islands
limited company; INSIGHT VENTURE
ASSOCIATES COINVESTMENT II, L.P., a
Delaware limited partnership; INSIGHT
VENTURE MANAGEMENT, LLC, a Delaware
limited liability company; INSIGHT HOLDING
GROUP, LLC, a Delaware limited liability
company, and RYAN HINKLE,

Defendants.

NO. 2:20-cv-01856-RSM

ORDER GRANTING PLAINTIFFS'
MOTION FOR AN AWARD OF
ATTORNEYS' FEES AND COSTS
AND FOR ISSUANCE OF SERVICE
AWARDS

1 This matter came before the Court on Plaintiffs' Motion for an Award of Attorneys'
2 Fees and Costs and for Issuance of Service Awards (the "Motion"). All capitalized terms not
3 otherwise defined have the meanings set forth in the Settlement Agreement (Dkt. # 92-1)
4 ("Settlement").

5 On December 17, 2021, the Court entered its Order Granting Plaintiffs' Unopposed
6 Motion for Preliminary Approval of Class Action Settlement ("Preliminary Approval Order"),
7 in which the Court preliminarily approved the proposed Settlement as being fair, reasonable,
8 and adequate to the Settlement Class; preliminarily certified the Settlement Class; designated
9 named Plaintiffs James McMurchie, David Hanson and Maris Hanson as Settlement Class
10 Representatives and Tousley Brain Stephens PLLC and McNaul Ebel Nawrot & Helgren PLLC
11 as Class Counsel; appointed a Settlement Administrator; approved the forms and methods of
12 disseminating information about the Settlement and found them to constitute the best notice
13 practicable under the circumstances, to constitute due and sufficient notice of the matters set
14 forth in the notices to all persons entitled to receive such notices, and to fully satisfy the
15 requirements of due process, Rule 23 of the Federal Rules of Civil Procedure, 28 U.S.C.
16 § 1715, and all other applicable laws and rules; established procedures for Class Members to
17 opt out or object to the Settlement and any request for Attorneys' Fees and Costs; established
18 deadlines for the filing of a motion for final approval of the Settlement and motion for
19 attorneys' fees, costs, and service awards; and scheduled a hearing for May 11, 2022, for the
20 Court to determine whether to grant Final Approval and whether Attorneys' Fees and Costs
21 should be awarded.

22 The Court held a hearing on Plaintiffs' Motion on May 11, 2022, after notice to the
23 Class. The Court has fully considered the Motion, the declarations and submissions in support,

1 and all papers filed or submitted to the Court in connection with the proceedings in this action.
2 Now, with good cause appearing therefore, THE COURT HEREBY ORDERS AND FINDS
3 AS FOLLOWS:

4 1. The Court has considered Class Counsel's Motion along with the Declaration of
5 Jason T. Dennett setting forth Class Counsel's time and expenses incurred in connection with
6 this Litigation.

7 2. Pursuant to Rule 23(h), and relevant Ninth Circuit authority, the Court awards
8 Class Counsel \$6,157,000.00 as an award of reasonable attorneys' fees to be paid in accordance
9 with the Settlement. The Court finds this amount of fees fair and reasonable under the
10 percentage of recovery method and under a lodestar cross-check, given the exceptional results
11 obtained for the Settlement Class in the form of significant monetary relief; the complexity of
12 the issues presented in the Litigation; the risk of non-payment posed in the Litigation; the
13 contingent nature of the fee; and the skill of Class Counsel.

14 3. Pursuant to Rule 23(h), and relevant Ninth Circuit authority, the Court awards
15 Class Counsel \$355,120.76 as an award of reasonable costs and expenses to be paid in
16 accordance with the Settlement. The Court finds this amount of costs and expenses is fair and
17 reasonable, and it represents the reasonable expenses incurred to advance this Litigation.

18 4. The Court grants Class Counsel discretion to allocate the attorneys' fees, costs,
19 and expenses among all Plaintiffs' counsel.

20 5. This award of attorneys' fees, costs, and expenses, and any interest earned
21 thereon, shall be paid in accordance with the Settlement. This award of attorneys' fees, costs,
22 and expenses is independent of the Court's consideration of the fairness, reasonableness, and
23 adequacy of the Settlement.

6. The Court grants Class Counsel's requested Service Awards of \$10,000 to James McMurchie and \$10,000 to David and Maris Hanson. The Court finds that these Service Awards are justified by each Settlement Class Representative's service to the Settlement Class. These Service Awards shall be paid in accordance with the Settlement.

7. Without affecting the finality of this Order, the Court hereby reserves continuing and exclusive jurisdiction over all matters related to the administration and consummation of the terms of this Order.

8. The Court shall enter a judgment consistent with this Order.

IT IS SO ORDERED this 11th day of May, 2022.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

Presented by:

TOUSLEY BRAIN STEPHENS PLLC

By: s/ Jason T. Dennett

Kim D. Stephens, WSBA #11984

Jason T. Dennett, WSBA #30686

Cecily C. Jordan, WSBA #50061

Kaleigh N. Powell, WSBA #52684

1200 Fifth Avenue, Suite 1700

Seattle, WA 98101

Tel: (206) 682-5600/Fax: (206) 682-2992

Email: jdennett@tousley.com

kstephens@tousley.com

kpowell@tousley.com

cjordan@tousley.com

McNAUL EBEL NAWROT & HELGREN PLLC

Avi J. Lipman, WSBA No. 37661
Malaika M. Eaton, WSBA No. 32837
Ai-Li Chiong-Martinson, WSBA No. 53359
Michael P. Hatley, WSBA No. 57500
600 University Street, Suite 2700
Seattle, Washington 98101
Telephone (206) 467-1816
Email: meaton@mcnaul.com
alipman@mcnaul.com
achiongmartinson@mcnaul.com
mhatley@mcnaul.com